

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

BOBBIE SRODE,

:

Plaintiff,

:

Case No. 3:07CV0254

:

vs.

District Judge Walter Herbert Rice

:

Magistrate Judge Sharon L. Ovington

MICHAEL J. ASTRUE,
Commissioner of the Social
Security Administration,

:

:

Defendant.

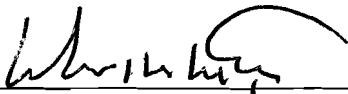
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DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS FILED ON SEPTEMBER 5, 2008 (Doc. #11); VACATING THE COMMISSIONER'S FINAL DECISION THAT PLAINTIFF WAS NOT UNDER A "DISABILITY" WITHIN THE MEANING OF THE SOCIAL SECURITY ACT; MAKING NO FINDING REGARDING WHETHER PLAINTIFF IS UNDER A "DISABILITY"; REMANDING THE CASE TO THE COMMISSIONER OF THE SOCIAL SECURITY ADMINISTRATION UNDER SENTENCE FOUR OF 42 U.S.C. §405(g); AND TERMINATING THE CASE ON THE DOCKET OF THIS COURT

The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #11), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations.

It is therefore **ORDERED** that:

1. The Report and Recommendations filed on September 5, 2008 (Doc. #11) is ADOPTED in full;
2. The Commissioner's non-disability finding is VACATED;
3. No finding is made whether Plaintiff is under a "disability" within the meaning of the Social Security Act;
4. The case is remanded to the Commissioner under Sentence Four of 42 U.S.C. §405(g) for further proceedings consistent with this Decision and Entry and with the Report and Recommendations; and
5. The case is terminated on the docket of this Court.



Walter Herbert Rice
United States District Judge